

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 4, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-14349 - APPLICANT: CASINO CENTER PROPERTIES**

**- OWNER: CASINO CENTER PROPERTIES, LLC, ET AL**

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**\*\* CONDITIONS \*\***

The Planning Commission (4-3/lld/sd/rt vote) and staff recommend DENIAL.

**Planning and Development**

1. Conformance to the Conditions for Rezoning (ZON-14338), Variances (VAR-14342, VAR-14345, VAR-14347), Special Use Permit (SUP-14339) and Vacation (VAC-12884) if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/13/06, except as amended by conditions herein.
4. A Waiver from Title 19.08.060 is hereby approved, to exempt the development from compliance with the Residential Adjacency proximity slope requirements.
5. Revised elevations for the parking structure shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to include additional architectural elements on the west façade of the parking structure.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall demonstrate compliance with the tree-spacing requirement for the buffer areas along the alleyways in accordance with Title 19.12.
7. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
14. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & R's.
15. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

17. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site.

18. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located within the public rights-of-way adjacent to this site prior to occupancy of this site.
19. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard public right-of-way adjacent to this site prior to the issuance of any permits.
20. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.
21. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
22. Meet with the Clark County School District to discuss the impact this site plan has on the District's schools, and to identify possible methods to mitigate the impacts.
23. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-14338 and all other applicable site-related actions.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Site Development Plan Review for a proposed mixed-use development consisting of 350 residential condominium units and 18,000 square feet of commercial floor area within one 14-story and one 17-story tower building, and a Waiver of the Residential Adjacency Standards on 2.05 acres at the northwest corner of Charleston Boulevard and 10<sup>th</sup> Street. The following associated cases will be considered concurrently with this request: GPA-14325, ZON-14338, VAR-14342, VAR-14345, VAR-14347, SUP-14339, and VAC-12884.

**EXECUTIVE SUMMARY**

The proposed development complies with many of the C-1 (Limited Commercial) zoning district standards, but requires a Waiver from Residential Adjacency Standards, and Variances from parking requirements, lot coverage requirements, and the building setback requirement. While the project will assist in the redevelopment of the area, the scale of the project is greater any other development in the immediate vicinity and the number of deviations from zoning requirements suggests that the intensity of the project is inappropriate for the site.

**BACKGROUND INFORMATION**

**A) *Related Actions***

- |          |   |
|----------|---|
| 05/03/72 | The City Council approved a Rezoning (Z-0026-72) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for the parcel at 717 South 9 <sup>th</sup> Street. The Planning Commission recommended approval of the request on 04/13/72.   |
| 04/26/79 | The Board of Zoning Adjustment approved a Variance (V-0027-79) to allow a group care home for 16 residents on the property at 700 S. 10 <sup>th</sup> Street.   |
| 09/27/84 | The Board of Zoning Adjustment approved a Variance (V-0103-84) to allow a beauty shop where such use is not allowed on the property located at 717 S. 9 <sup>th</sup> Street.   |
| 02/06/91 | The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium-Density Residential), R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for five of the parcels that comprise the subject development. The Planning Commission recommended approval of the request on 01/10/91. |

- 09/07/06 The Planning Commission recommended approval of companion items ZON-14338, VAR-14347, SUP-14339, VAC-12884 and denial of GPA-14325, VAR-14342 and VAR-14345 concurrently with this application.
- 09/07/06 The Planning Commission voted 4-3/ld/sd/rt to recommend DENIAL (PC Agenda Item #24/ff).

***B) Pre-Application Meeting***

- 05/16/06 At the pre-application conference, issues were discussed relative to the General Plan designation for the site, rezoning requirements, parking requirements, residential adjacency requirements, and general development standards. In addition, issues were discussed relative to the configuration of the alley.

***C) Neighborhood Meetings***

- 07/05/06 A neighborhood meeting was held by the applicant at the Las Vegas Senior Center; 33 residents attended the meeting. The following concerns were raised at the meeting:
- Concern about the reduction in parking;
  - Concern about the residential adjacency waiver and impact of building shadows on the residential neighborhood to the south;
  - Concern about traffic impacts on the neighborhood to the north;
  - Concern about construction noise;
  - Concern about sewer capacity;
  - Concern about power availability;
  - Concern about the provision of recreation space for residents of the project;
  - Concern about public transportation access and bus turnout facilities; and
  - Concern about the impacts of reflective glazing and whether or not the building would be LEED certified.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 2.05

***B) Existing Land Use***

Subject Property: Single-Family Residential Use  
Office Use  
General Commercial Use

North: Office Use  
South: Office Use  
General Commercial Use

East:	Single-Family Residential Use Office Use
West:	General Commercial Use Single-Family Residential Use Office Use

***C) Planned Land Use***

Subject Property:	C (Commercial) MXU (Mixed-Use) [Proposed: C (Commercial)]
North:	MXU (Mixed-Use)
South:	C (Commercial)
East:	C (Commercial)
West:	MXU (Mixed-Use)

***D) Existing Zoning***

Subject Property:	R-4 (High-Density Residential) P-R (Professional Office and Parking) C-1 (Limited Commercial) [Proposed: C-1(Limited Commercial)]
North:	R-1 (Single Family Residential) P-R (Professional Office and Parking)
South:	C-1 (Limited Commercial)
East:	R-4 (High-Density Residential) P-R (Professional Office and Parking) C-2 (General Commercial)
West:	R-1 (Single Family Residential) P-R (Professional Office and Parking)

***E) General Plan Compliance***

The subject site is within the boundaries of the Las Vegas Redevelopment Plan area, and has C (Commercial) and MXU (Mixed-Use) land use designations; the applicant has filed a General Plan Amendment (GPA-14325) to change the land use designation on the entire development parcel to C (Commercial). The C (Commercial) designation allows uses comparable to the O (Office), SC (Service Commercial) and GC (General Commercial) land use categories.

**PROJECT DESCRIPTION**

General description of proposed project.

## ANALYSIS

### A) *Zoning Code Compliance*

#### A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

<b>Standards</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	N/A	2.05 Acres	N/A
Min. Lot Width	100 Feet	300 Feet	Y
Min. Setbacks			
• Front (Charleston)	20 Feet	20 Feet	Y
• Front (Garces)	20 Feet	25 Feet (approx.)	Y
• Corner (9 <sup>th</sup> )	15 Feet	15 Feet	Y
• Corner (10 <sup>th</sup> )	15 Feet	15 Feet	Y
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50%	56%	N
Max. Building Height	N/A	17 Stories/195 Feet	N/A
Trash Enclosure	Wall/roof	Interior	Y
Loading Zone	2 Spaces	2 Spaces	Y
Mech. Equipment	Screened	Not indicated	Not indicated

The proposed development complies with minimum lot width and setback requirements, and will provide an adequate number of loading spaces. The project exceeds lot coverage requirements; the applicant has submitted a Variance (VAR-14345) application to address this issue. No information has been provided relative to the screening of mechanical equipment; all equipment shall be screened in accordance with the Commercial Development Standards.

#### A2) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. Per the definition listed in Title 19.08.060, protected properties are located immediately west and north of the subject site. At a height of 195 feet, the east tower would need to be located a minimum of 585 feet from either protected property; the tower is located approximately 90 feet from the property to the north, and 75 feet from the property to the west. The south tower, at a height of 170 feet, would need to be a minimum of 510 feet from either protected property; it is located approximately 360 feet from the

protected property to the north and 205 feet from the property to the west. The garage structure is also subject to the proximity slope requirements, and would need to either be reduced in height or be located further away from the protected property to the west. The applicant has requested a Waiver from the proximity slope requirement.

- b) Building setback. Title 19.08.060 requires that any commercial structure be located to the same minimum setback as required of the protected property. In this case, the structure would need to be located a minimum of 15 feet from the protected property; the structure complies with the minimum setback requirements.

### A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Retail	18,000 SF	1/175 GFA	103			
Residential						
• 1 Bedroom	300	1.25/unit	375			
• 2 Bedroom	50	1.75/unit	88			
• Guest		1/6 units	58			
Total:			624	13	624	2% of total (13 spaces)

Based on the numbers provided by the applicant, the development will conform to Title 19.10 parking requirements if all of the commercial space is utilized for retail uses. The applicant has requested the flexibility to development some of the commercial space for restaurant uses, and has requested a Variance (VAR-14347) for an extra 11 parking spaces.

### A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/6 Spaces	0 Trees	0 Trees
Buffer:			
• Min. Trees (alley-east)	1 Tree/20 Linear Feet	8 Trees	4 Trees
• Min. Trees (alley-south)	1 Tree/30 Linear Feet	5 Trees	5 Trees
• Min. Zone Width	8 Feet		13-20 Feet



No parking area landscaping is required, as all parking spaces are located within a parking structure. The buffers along the alleyways exceed the minimum buffer width requirements. The number of trees in the buffer on the east side of the alley does not meet the minimum requirements, while the number of trees in the buffer on the south side of the alley is consistent with code requirements.

A5) Sign Standards

No information has been provided relative to the signage that is proposed for the project; all signage shall be subject to the requirements of Title 19.14.

***B) General Analysis and Discussion***

- Zoning

The properties that comprise the development site are intended to be rezoned to C-1 (Limited Commercial). The proposed commercial uses are permitted by right under the C-1 (Limited Commercial) zoning; the residential use is permitted upon approval of a Special Use Permit. While the proposed development will comply with setback requirements, the applicant has requested Variances for lot coverage, building stepback requirements, and parking requirements. In addition, the applicant has requested a Waiver from Residential Adjacency Standards to allow the tower structures to encroach into the required proximity slope.

- Site Plan

The site plan depicts the 14-story tower building located at the south side of the property, and the 17-story tower building located on the east side of the property. A multi-story parking structure is located between the structures, and will have an entrance on 9th Street and an entrance on 10th Street. The alley will be reconfigured to accommodate the development; a Vacation (VAC-12884) application has been submitted to address the relocation of the alley. A service area, including loading spaces and a trash area, will be located on the bottom floor of the east tower building, and will have direct access from the alley. Streetscape treatment will be provided along all public street frontages, and will include palm trees spaced approximately 30 feet on center along the sidewalk areas.

- Waivers

The applicant has requested a Waiver from the proximity slope requirement of the Residential Adjacency Standards. Title 19.08.060(B)(5) allows a Waiver from the requirement for any mixed-use project with a significant residential element. As the residential use will occupy most of the square footage of the structures, the project qualifies for the submittal of the Waiver request.

The development site is located in an area that is transitioning from single-family residential uses to professional office and commercial uses. Properties surrounding the subject site have a MXU (Mixed-Use) land use designation, and properties along Charleston Boulevard have a C (Commercial) land use designation. As the long-range plan for the area is to allow the transition to office and commercial uses, the request for the Waiver may be justified.

- Landscape Plan

The landscape plan depicts buffer areas along the alleyways at the rear of the property; the remainder of the site will be covered with hardscape. The width of the buffer areas conforms to minimum requirements; additional trees will be required in the buffer area along the east side of the alley.

- Elevation

The submitted elevations depict a retail arcade at the base of both tower buildings, which will enliven the streetscape and will provide visibility for the commercial tenants. The upper stories of the tower buildings include planar stucco elements with punched window openings, juxtaposed with curtain wall glazing for the remainder of the facade. Horizontal balconies will be utilized on both buildings. In addition, each building features a rounded tower element facing Charleston Boulevard. The tower buildings are located so as to screen most of the parking structure, although the west facade of the structure will be visible from 9th Street. While the elevations are generally in conformance with the Commercial Development Standards, additional detailing may be required on the parking structure elevations.

- Floor Plan

The ground floor of the development depicts retail space facing the Gass Avenue and 10th Street frontages, with a central plaza area facing the Charleston Boulevard frontage. All retail spaces will have direct access from the public sidewalks, which will enhance the pedestrian environment.

## **FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The proposed development will exceed the scale and massing of any existing development within the immediate neighborhood. While the project demonstrates a thoughtful mixture of uses that will enliven and enhance the streetscape surrounding the project, the height and intensity of the project is greater than adjacent development.

2. **“The proposed development is consistent with the General Plan, Title 19, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

The proposed uses are in compliance with the General Plan, and the project will advance redevelopment within the existing urban area. However, the project requires a Waiver and several Variances from Title 19 requirements.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

The site immediately abuts Charleston Boulevard, a 100-Foot Primary Arterial as designated on the Master Plan of Streets and Highways, and has adequate capacity to serve the proposed development. The remainder of the site is bordered by 70- and 80-foot wide local streets, which may be impacted by the intensity of the development plan.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

The proposed building materials and landscape materials are appropriate for the immediate area and for the City, and are generally in compliance with the Commercial Development Standards.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

Adequate care has been exercised in the composition of the building elevations, although additional detailing may be required on the parking structure elevations. While there is adequate variation in the façade elements of the tower buildings, the overall massing far exceeds that of the structures in the immediate area.

**6. “Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The development will be subject to permit reviews, and adequate measures will be taken to protect public health, safety, and general welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 295 by Planning Dept

**APPROVALS** 3

**PROTESTS** 1